

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Steven L. STICE et al)
Application No.: 08/781,752) Group Art Unit: Unassigned
Filed: January 10, 1997) Examiner: Unassigned
For: CLONING USING DONOR NUCLEI)
FROM DIFFERENTIATED FETAL)
AND ADULT CELLS)

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1 205 65.00 CK

TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION

BOX: MISSING PART

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(d) dated March 19, 1997, enclosed please find:

- ☒ a Combined Declaration and Power of Attorney signed by the inventor(s) and the surcharge of ☒ \$65.00 [] \$130.00 as set forth in 37 C.F.R. § 1.16(e);
- ☒ a Declaration Claiming Small Entity Status;
- [] a Petition for Extension of Time;
- [] a verified English translation of the Application, and the \$130.00 fee as set forth in 37 C.F.R. § 1.17(k);
- ☒ an Assignment document and the \$40.00 Assignment Recording Fee;
- [] other _____;
- ☒ a check in the amount of \$ 1,117.00 for the fee due; and
- [] charge \$ _____ to Deposit Account No. 02-4800 for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in triplicate.

Respectfully submitted,

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08/781752



Patent
Attorney's Docket No. 000270-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT
APPLICATION TRANSMITTAL LETTER

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed for filing is the utility patent application of Steven L. STICE, Jose CIBELLI, James ROBL, Paul GOLUEKE, F. Abel Ponce de LEON and D. Joseph JERRY for CLONING USING DONOR NUCLEI FROM DIFFERENTIATED FETAL AND ADULT CELLS.

Also enclosed are:

- ☐ _____ sheet(s) of ☐ formal ☐ informal drawing(s);
☐ an Associate Power of Attorney;
☐ _____ verified statement(s) claiming small entity status;
☐ an Assignment document;
☐ an Information Disclosure Statement; and
☒ Other: Information Sheet

The declaration of the inventor(s) ☐ also is enclosed ☒ will follow.

The filing fee has been calculated as follows ☐ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$ 770.00
Total Claims	77	MINUS 20 =	57	x \$22 =	1254.00
Independent Claims	3	MINUS 3 =	0	x \$80 =	-0-
If multiple dependent claims are presented, add \$260.00					-0-
Total Application Fee					2024.00
If verified statement claiming small entity status is enclosed, subtract 50% of Total Application Fee					1012.00
Add Assignment Recording Fee of \$40.00 if Assignment document is enclosed					-0-
TOTAL APPLICATION FEE DUE					1012.00

- ☐ A check in the amount of \$_____ is enclosed for the fee due.
☐ Charge \$_____ to Deposit Account No. 02-4800 for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in triplicate.

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Date: January 10, 1997



ATTORNEY DOCKET NO. 000270-007

UNITED STATES PATENT APPLICATION

of

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JOSE CIBELLI

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PAUL GOLUEKE

F. ABEL PONCE DE LEON

and

D. JOSEPH JERRY

for

CLONING USING DONOR NUCLEI FROM DIFFERENTIATED

FETAL AND ADULT CELLS

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1. FIELD OF THE INVENTION

The present invention relates to cloning procedures in which cell nuclei derived from differentiated fetal or adult, mammalian cells are transplanted into enucleated mammalian oocytes of the same species as the donor nuclei. The nuclei are reprogrammed to direct the development of cloned embryos, which can then be transferred into recipient females to produce fetuses and offspring, or used to produce cultured inner cell mass cells (CICM). The cloned embryos can also be combined with fertilized embryos to produce chimeric embryos, fetuses and/or offspring.

2. BACKGROUND OF THE INVENTION

Methods for deriving embryonic stem (ES) cell lines *in vitro* from early preimplantation mouse embryos are well known. (See, e.g., Evans et al., *Nature*, 29:154-156 (1981); Martin, *Proc. Natl. Acad. Sci., USA*, 78:7634-7638 (1981)). ES cells can be passaged in an undifferentiated state, provided that a feeder layer of fibroblast cells (Evans et al., *Id.*) or a differentiation inhibiting source (Smith et al., *Dev. Biol.*, 121:1-9 (1987)) is present.

ES cells have been previously reported to possess numerous applications. For example, it has been reported

that ES cells can be used as an *in vitro* model for differentiation, especially for the study of genes which are involved in the regulation of early development. Mouse ES cells can give rise to germline chimeras when
5 introduced into preimplantation mouse embryos, thus demonstrating their pluripotency (Bradley et al., *Nature*, 309:255-256 (1984)).

In view of their ability to transfer their genome to the next generation, ES cells have potential utility for
10 germline manipulation of livestock animals by using ES cells with or without a desired genetic modification. Moreover, in the case of livestock animals, e.g., ungulates, nuclei from like preimplantation livestock embryos support the development of enucleated oocytes to
15 term (Smith et al., *Biol. Reprod.*, 40:1027-1035 (1989); and Keefer et al., *Biol. Reprod.*, 50:935-939 (1994)). This is in contrast to nuclei from mouse embryos which beyond the eight-cell stage after transfer reportedly do not support the development of enucleated oocytes (Cheong
20 et al, *Biol. Reprod.*, 48:958 (1993)). Therefore, ES cells from livestock animals are highly desirable because they may provide a potential source of totipotent donor nuclei, genetically manipulated or otherwise, for nuclear transfer procedures.

25 Some research groups have reported the isolation of purportedly pluripotent embryonic cell lines. For

example, Notarianni et al., *J. Reprod. Fert. Suppl.*,
43:255-260 (1991), reports the establishment of
purportedly stable, pluripotent cell lines from pig and
sheep blastocysts which exhibit some morphological and
5 growth characteristics similar to that of cells in primary
cultures of inner cell masses isolated immunosurgically
from sheep blastocysts. Also, Notarianni et al., *J.*
Reprod. Fert. Suppl., 41:51-56 (1990) discloses
maintenance and differentiation in culture of putative
10 pluripotential embryonic cell lines from pig blastocysts.
Gerfen et al., *Anim. Biotech*, 6(1):1-14 (1995) discloses
the isolation of embryonic cell lines from porcine
blastocysts. These cells are stably maintained in mouse
embryonic fibroblast feeder layers without the use of
15 conditioned medium, and reportedly differentiate into
several different cell types during culture.

Further, Saito et al., *Roux's Arch. Dev. Biol.*,
201:134-141 (1992) reports cultured, bovine embryonic stem
cell-like cell lines which survived three passages, but
20 were lost after the fourth passage. Handyside et al.,
Roux's Arch. Dev. Biol., 196:185-190 (1987) discloses
culturing of immunosurgically isolated inner cell masses
of sheep embryos under conditions which allow for the
isolation of mouse ES cell lines derived from mouse ICMS.
25 Handyside et al. reports that under such conditions, the
sheep ICMS attach, spread, and develop areas of both ES

cell-like and endoderm-like cells, but that after prolonged culture only endoderm-like cells are evident.

Recently, Cherny et al., *Theriogenology*, 41:175 (1994) reported purportedly pluripotent bovine primordial
5 germ cell-derived cell lines maintained in long-term culture. These cells, after approximately seven days in culture, produced ES-like colonies which stained positive for alkaline phosphatase (AP), exhibited the ability to form embryoid bodies, and spontaneously differentiated
10 into at least two different cell types. These cells also reportedly expressed mRNA for the transcription factors OCT4, OCT6 and HES1, a pattern of homeobox genes which is believed to be expressed by ES cells exclusively.

Also recently, Campbell et al., *Nature*, 380:64-68
15 (1996) reported the production of live lambs following nuclear transfer of cultured embryonic disc (ED) cells from day nine ovine embryos cultured under conditions which promote the isolation of ES cell lines in the mouse. The authors concluded that ED cells from day nine ovine
20 embryos are totipotent by nuclear transfer and that totipotency is maintained in culture.

Van Stekelenburg-Hamers et al., *Mol. Reprod. Dev.*, 40:444-454 (1995), reported the isolation and characterization of purportedly permanent cell lines from
25 inner cell mass cells of bovine blastocysts. The authors isolated and cultured ICMs from 8 or 9 day bovine

blastocysts under different conditions to determine which feeder cells and culture media are most efficient in supporting the attachment and outgrowth of bovine ICM cells. They concluded that the attachment and outgrowth
5 of cultured ICM cells is enhanced by the use of STO (mouse fibroblast) feeder cells (instead of bovine uterus epithelial cells) and by the use of charcoal-stripped serum (rather than normal serum) to supplement the culture medium. Van Stekelenburg et al reported, however, that
10 their cell lines resembled epithelial cells more than pluripotent ICM cells.

Smith et al., WO 94/24274, published October 27, 1994, Evans et al, WO 90/03432, published April 5, 1990, and Wheeler et al, WO 94/26889, published November 24,
15 1994, report the isolation, selection and propagation of animal stem cells which purportedly may be used to obtain transgenic animals. Evans et al. also reported the derivation of purportedly pluripotent embryonic stem cells from porcine and bovine species which assertedly are
20 useful for the production of transgenic animals. Further, Wheeler et al, WO 94/26884, published November 24, 1994, disclosed embryonic stem cells which are assertedly useful for the manufacture of chimeric and transgenic ungulates.

Thus, based on the foregoing, it is evident that many
25 groups have attempted to produce ES cell lines, e.g., because of their potential application in the production

of cloned or transgenic embryos and in nuclear transplantation.

The use of ungulate inner cell mass (ICM) cells for nuclear transplantation has also been reported. For example, Collas et al., *Mol. Reprod. Dev.*, 38:264-267 (1994) discloses nuclear transplantation of bovine ICMs by microinjection of the lysed donor cells into enucleated mature oocytes. Collas et al. disclosed culturing of embryos *in vitro* for seven days to produce fifteen blastocysts which, upon transferral into bovine recipients, resulted in four pregnancies and two births. Also, Keefer et al., *Biol. Reprod.*, 50:935-939 (1994), disclosed the use of bovine ICM cells as donor nuclei in nuclear transfer procedures, to produce blastocysts which, upon transplantation into bovine recipients, resulted in several live offspring. Further, Sims et al., *Proc. Natl. Acad. Sci., USA*, 90:6143-6147 (1993), disclosed the production of calves by transfer of nuclei from short-term *in vitro* cultured bovine ICM cells into enucleated mature oocytes.

The production of live lambs following nuclear transfer of cultured embryonic disc cells has also been reported (Campbell et al., *Nature*, 380:64-68 (1996)). Still further, the use of bovine pluripotent embryonic cells in nuclear transfer and the production of chimeric fetuses has been reported (Stice et al., *Biol. Reprod.*,

54:100-110 (1996); Collas et al, *Mol. Reprod. Dev.*,
38:264-267 (1994)). Collas et al demonstrated that
granulosa cells (adult cells) could be used in a bovine
cloning procedure to produce embryos. However, there was
5 no demonstration of development past early embryonic
stages (blastocyst stage). Also, granulosa cells are not
easily cultured and are only obtainable from females.
Collas et al did not attempt to propagate the granulosa
cells in culture or try to genetically modify those cells.

10 While multiplications of genotypes are possible using
embryonic cells as donors, there are problems with current
methods. For example, by current methods, embryo cloning
can only be done using a limited number of embryonic donor
nuclei (less than 100), or with in vitro cell lines. It
15 is unknown whether the embryonic genome encodes a superior
genotype until the cloned animal becomes an adult.

There also exist problems in the area of producing
transgenic mammals. By current methods, heterologous DNA
is introduced into either early embryos or embryonic cell
20 lines that differentiate into various cell types in the
fetus and eventually develop into a transgenic animal.
However, many early embryos are required to produce one
transgenic animal and, thus, this procedure is very
inefficient. Also, there is no simple and efficient
25 method of selecting for a transgenic embryo before going
through the time and expense of putting the embryos into

surrogate females. In addition, gene targeting techniques cannot be easily accomplished with early embryo transgenic procedures.

Embryonic stem cells in mice have enabled researchers
5 to select for transgenic cells and perform gene targeting.
This allows more genetic engineering than is possible with
other transgenic techniques. However, embryonic stem cell
lines and other embryonic cell lines must be maintained in
an undifferentiated state that requires feeder layers
10 and/or the addition of cytokines to media. Even if these
precautions are followed, these cells often undergo
spontaneous differentiation and cannot be used to produce
transgenic offspring by currently available methods.
Also, some embryonic cell lines have to be propagated in a
15 way that is not conducive to gene targeting procedures.

Therefore, notwithstanding what has previously been
reported in the literature, there exists a need for
improved methods of cloning mammalian cells.

OBJECTS AND SUMMARY OF THE INVENTION

20 It is an object of the invention to provide novel and
improved methods for producing cloned mammalian cells.

It is a more specific object of the invention to
provide a novel method for cloning mammalian cells which
involves transplantation of the nucleus of a

differentiated mammalian cell into an enucleated oocyte of the same species.

It is another object of the invention to provide a method for multiplying adult mammals having proven genetic superiority or other desirable traits.

It is another object of the invention to provide an improved method for producing genetically engineered or transgenic mammals (i.e., embryos, fetuses, offspring).

It is a more specific object of the invention to
10 provide a method for producing genetically engineered or
transgenic mammals by which a desired gene is inserted,
removed or modified in a differentiated mammalian cell or
cell nucleus prior to use of that differentiated cell or
cell nucleus for formation of a NT unit.

15 It is another object of the invention to provide genetically engineered or transgenic mammals (i.e., embryos, fetuses, offspring) obtained by transplantation of the nucleus of a differentiated cell into an enucleated oocyte of the same species as the differentiated cell.

20 It is another object of the invention to provide a novel method for producing mammalian CICM cells which involves transplantation of a nucleus of a differentiated cell into an enucleated oocyte of the same species as the differentiated cell.

25 It is another object of the invention to provide CICM
cells produced by transplantation of the nucleus of a

differentiated mammalian cell into an enucleated oocyte of the same species as the differentiated cell.

It is a more specific object of the invention to provide a method for producing human CICM cells which involves transplantation of nuclei of a human cell, e.g., a human adult cell, into an enucleated human oocyte.

It is another object of the invention to use such CICM cells for therapy or diagnosis.

It is a specific object of the invention to use such CICM cells, including human and ungulate CICM cells, for treatment or diagnosis of any disease wherein cell, tissue or organ transplantation is therapeutically or diagnostically beneficial. The CICM cells may be used within the same species or across species.

It is another object of the invention to use tissues derived from NT embryos, fetuses or offspring, including human and ungulate tissues, for treatment or diagnosis of any disease wherein cell, tissue or organ transplantation is therapeutically or diagnostically beneficial. The tissues may be used within the same species or across species.

It is another specific object of the invention to use the CICM cells produced according to the invention for the production of differentiated cells, tissues or organs.

It is a more specific object of the invention to use the human CICM cells produced according to the invention

for the production of differentiated human cells, tissues or organs.

It is another specific object of the invention to use the C1CM cells produced according to the invention in 5 *vitro*, e.g. for study of cell differentiation and for assay purposes, e.g. for drug studies.

It is another object of the invention to provide improved methods of transplantation therapy, comprising the usage of isogenic or syngenic cells, tissues or organs 10 produced from the C1CM cells produced according to the invention. Such therapies include by way of example treatment of diseases and injuries including Parkinson's, Huntington's, Alzheimer's, ALS, spinal cord injuries, multiple sclerosis, muscular dystrophy, diabetes, liver 15 diseases, heart disease, cartilage replacement, burns, vascular diseases, urinary tract diseases, as well as for the treatment of immune defects, bone marrow transplantation, cancer, among other diseases.

It is another object of the invention to provide 20 genetically engineered or transgenic C1CM cells produced by inserting, removing or modifying a desired gene in a differentiated mammalian cell or cell nucleus prior to use of that differentiated cell or cell nucleus for formation of a NT unit.

25 It is another object of the invention to use the transgenic or genetically engineered C1CM cells produced

according to the invention for gene therapy, in particular for the treatment and/or prevention of the diseases and injuries identified, *supra*.

It is another object of the invention to use the CICM
5 cells produced according to the invention or transgenic or genetically engineered CICM cells produced according to the invention as nuclear donors for nuclear transplantation.

Thus, in one aspect, the present invention provides a
10 method for cloning a mammal (e.g., embryos, fetuses, offspring). The method comprises:

(i) inserting a desired differentiated mammalian cell or cell nucleus into an enucleated mammalian oocyte of the same species as the differentiated cell or cell
15 nucleus, under conditions suitable for the formation of a nuclear transfer (NT) unit;

(ii) activating the resultant nuclear transfer unit;

(iii) culturing said activated nuclear transfer unit until greater than the 2-cell developmental stage; and

20 (iv) transferring said cultured NT unit to a host mammal such that the NT unit develops into a fetus.

The cells, tissues and/or organs of the fetus are advantageously used in the area of cell, tissue and/or organ transplantation.

25 The present invention also includes a method of cloning a genetically engineered or transgenic mammal, by

which a desired gene is inserted, removed or modified in the differentiated mammalian cell or cell nucleus prior to insertion of the differentiated mammalian cell or cell nucleus into the enucleated oocyte.

5 Also provided by the present invention are mammals obtained according to the above method, and offspring of those mammals.

The present invention is preferably used for cloning ungulates.

10 In another aspect, the present invention provides a method for producing CICM cells. The method comprises:

(i) inserting a desired differentiated mammalian cell or cell nucleus into an enucleated mammalian oocyte of the same species as the differentiated cell or cell nucleus, under conditions suitable for the formation of a
15 nuclear transfer (NT) unit;

(ii) activating the resultant nuclear transfer unit;

(iii) culturing said activated nuclear transfer unit until greater than the 2-cell developmental stage; and

20 (iv) culturing cells obtained from said cultured NT unit to obtain CICM cells.

The CICM cells are advantageously used in the area of cell, tissue and organ transplantation.

With the foregoing and other objects, advantages and
25 features of the invention that will become hereinafter apparent, the nature of the invention may be more clearly

understood by reference to the following detailed description of the preferred embodiments of the invention and to the appended claims.

DETAILED DESCRIPTION OF THE INVENTION

5 The present invention provides improved procedures for cloning mammals by nuclear transfer or nuclear transplantation. In the subject application, nuclear transfer or nuclear transplantation or NT are used interchangeably.

10 According to the invention, cell nuclei derived from differentiated fetal or adult, mammalian cells are transplanted into enucleated mammalian oocytes of the same species as the donor nuclei. The nuclei are reprogrammed to direct the development of cloned embryos, which can
15 then be transferred into recipient females to produce fetuses and offspring, or used to produce CICM cells. The cloned embryos can also be combined with fertilized embryos to produce chimeric embryos, fetuses and/or offspring.

20 Prior art methods have used embryonic cell types in cloning procedures. This includes work by Campbell et al (*Nature*, 380:64-68, 1996) and Stice et al (*Biol. Reprod.*, 54:100-110, 1996). In both of those studies, embryonic cell lines were derived from embryos of less than 10 days
25 of gestation. In both studies, the cells were maintained

on a feeder layer to prevent overt differentiation of the donor cell to be used in the cloning procedure. The present invention uses differentiated cells.

It was unexpected that cloned embryos with
5 differentiated donor nuclei could develop to advanced embryonic and fetal stages. The scientific dogma has been that only embryonic or undifferentiated cell types could direct this type of development. It was unexpected that a large number of cloned embryos could be produced from
10 these differentiated cell types. Also, the fact that new transgenic embryonic cell lines could be readily derived from transgenic cloned embryos was unexpected.

Thus, according to the present invention, multiplication of superior genotypes of mammals, including
15 ungulates, is possible. This will allow the multiplication of adult animals with proven genetic superiority or other desirable traits. Progress will be accelerated, for example, in many important ungulate species. By the present invention, there are potentially
20 billions of fetal or adult cells that can be harvested and used in the cloning procedure. This will potentially result in many identical offspring in a short period.

The present invention also allows simplification of transgenic procedures by working with a differentiated
25 cell source that can be clonally propagated. This eliminates the need to maintain the cells in an

undifferentiated state, thus, genetic modifications, both random integration and gene targeting, are more easily accomplished. Also by combining nuclear transfer with the ability to modify and select for these cells in vitro, 5 this procedure is more efficient than previous transgenic embryo techniques. According to the present invention, these cells can be clonally propagated without cytokines, conditioned media and/or feeder layers, further simplifying and facilitating the transgenic procedure.

10 When transfected cells are used in cloning procedures according to the invention, transgenic embryos are produced which can develop into fetuses and offspring. Also, these transgenic cloned embryos can be used to produce CICM cell lines or other embryonic cell lines.

15 Therefore, the present invention eliminates the need to derive and maintain in vitro an undifferentiated cell line that is conducive to genetic engineering techniques.

The present invention can also be used to produce CICM cells, fetuses or offspring which can be used, for 20 example, in cell, tissue and organ transplantation. By taking a fetal or adult cell from an animal and using it in the cloning procedure a variety of cells, tissues and possibly organs can be obtained from cloned fetuses as they develop through organogenesis. Cells, tissues, and 25 organs can be isolated from cloned offspring as well.

This process can provide a source of "materials" for many

medical and veterinary therapies including cell and gene therapy. If the cells are transferred back into the animal in which the cells were derived, then immunological rejection is averted. Also, because many cell types can
5 be isolated from these clones, other methodologies such as hematopoietic chimerism can be used to avoid immunological rejection among animals of the same species as well as between species.

Thus, in one aspect, the present invention provides a
10 method for cloning a mammal. In general, the mammal will be produced by a nuclear transfer process comprising the following steps:

- (i) obtaining desired differentiated mammalian cells to be used as a source of donor nuclei;
- 15 (ii) obtaining oocytes from a mammal of the same species as the cells which are the source of donor nuclei;
- (iii) enucleating said oocytes;
- (iv) transferring the desired differentiated cell or cell nucleus into the enucleated oocyte, e.g., by fusion
20 or injection, to form NT units;
- (v) activating the resultant NT unit;
- (vi) culturing said activated nuclear transfer unit until greater than the 2-cell developmental stage; and
- (vii) transferring said cultured NT unit to a host
25 mammal such that the NT unit develops into a fetus.

The present invention also includes a method of cloning a genetically engineered or transgenic mammal, by which a desired gene is inserted, removed or modified in the differentiated mammalian cell or cell nucleus prior to
5 insertion of the differentiated mammalian cell or cell nucleus into the enucleated oocyte.

Also provided by the present invention are mammals obtained according to the above method, and offspring of those mammals. The present invention is preferably used
10 for cloning ungulates.

The present invention further provides for the use of NT fetuses and NT and chimeric offspring in the area of cell, tissue and organ transplantation.

In another aspect, the present invention provides a
15 method for producing CICM cells. The method comprises:

(i) inserting a desired differentiated mammalian cell or cell nucleus into an enucleated mammalian oocyte of the same species as the differentiated cell or cell nucleus, under conditions suitable for the formation of a
20 nuclear transfer (NT) unit;

(ii) activating the resultant nuclear transfer unit;

(iii) culturing said activated nuclear transfer unit until greater than the 2-cell developmental stage; and

(iv) culturing cells obtained from said cultured NT
25 unit to obtain CICM cells.

The CICM cells are advantageously used in the area of cell, tissue and organ transplantation, or in the production of fetuses or offspring, including transgenic fetuses or offspring.

5 Preferably, the NT units will be cultured to a size of at least 2 to 400 cells, preferably 4 to 128 cells, and most preferably to a size of at least about 50 cells.

263849 " 263849"
10 Nuclear transfer techniques or nuclear transplantation techniques are known in the literature and are described in many of the references cited in the Background of the Invention. See, in particular, Campbell et al, *Theriogenology*, 43:181 (1995); Collas et al, *Mol. Report Dev.*, 38:264-267 (1994); Keefer et al, *Biol. Reprod.*, 50:935-939 (1994); Sims et al, *Proc. Natl. Acad. Sci., USA*, 90:6143-6147 (1993); WO 94/26884; WO 94/24274, and WO 90/03432, which are incorporated by reference in their entirety herein. Also, U.S. Patent Nos. 4,944,384 and 5,057,420 describe procedures for bovine nuclear transplantation.

20 Differentiated mammalian cells are those cells which are past the early embryonic stage. More particularly, the differentiated cells are those from at least past the embryonic disc stage (day 10 of bovine embryogenesis). The differentiated cells may be derived from ectoderm, 25 mesoderm or endoderm.

Mammalian cells, including human cells, may be obtained by well known methods. Mammalian cells useful in the present invention include, by way of example, epithelial cells, neural cells, epidermal cells, keratinocytes, hematopoietic cells, melanocytes, chondrocytes, lymphocytes (B and T lymphocytes), erythrocytes, macrophages, monocytes, mononuclear cells, fibroblasts, cardiac muscle cells, and other muscle cells, etc. Moreover, the mammalian cells used for nuclear transfer may be obtained from different organs, e.g., skin, lung, pancreas, liver, stomach, intestine, heart, reproductive organs, bladder, kidney, urethra and other urinary organs, etc. These are just examples of suitable donor cells. Suitable donor cells, i.e., cells useful in the subject invention, may be obtained from any cell or organ of the body. This includes all somatic or germ cells.

Fibroblast cells are an ideal cell type because they can be obtained from developing fetuses and adult animals in large quantities. Fibroblast cells are differentiated somewhat and, thus, were previously considered a poor cell type to use in cloning procedures. Importantly, these cells can be easily propagated in vitro with a rapid doubling time and can be clonally propagated for use in gene targeting procedures. Again the present invention is novel because differentiated cell types are used. The

present invention is advantageous because the cells can be easily propagated, genetically modified and selected in vitro.

Suitable mammalian sources for oocytes include sheep, 5 cows, pigs, horses, rabbits, guinea pigs, mice, hamsters, rats, primates, etc. Preferably, the oocytes will be obtained from ungulates, and most preferably bovine.

Methods for isolation of oocytes are well known in the art. Essentially, this will comprise isolating 10 oocytes from the ovaries or reproductive tract of a mammal, e.g., a bovine. A readily available source of bovine oocytes is slaughterhouse materials.

For the successful use of techniques such as genetic engineering, nuclear transfer and cloning, oocytes must 15 generally be matured *in vitro* before these cells may be used as recipient cells for nuclear transfer, and before they can be fertilized by the sperm cell to develop into an embryo. This process generally requires collecting immature (prophase I) oocytes from mammalian ovaries, 20 e.g., bovine ovaries obtained at a slaughterhouse, and maturing the oocytes in a maturation medium prior to fertilization or enucleation until the oocyte attains the metaphase II stage, which in the case of bovine oocytes generally occurs about 18-24 hours post-aspiration. For 25 purposes of the present invention, this period of time is known as the "maturation period." As used herein for

calculation of time periods, "aspiration" refers to aspiration of the immature oocyte from ovarian follicles.

Additionally, metaphase II stage oocytes, which have been matured *in vivo* have been successfully used in
5 nuclear transfer techniques. Essentially, mature metaphase II oocytes are collected surgically from either non-superovulated or superovulated cows or heifers 35 to 48 hours past the onset of estrus or past the injection of human chorionic gonadotropin (hCG) or similar hormone.

10 The stage of maturation of the oocyte at enucleation and nuclear transfer has been reported to be significant to the success of NT methods. (See e.g., Prather et al., *Differentiation*, 48, 1-8, 1991). In general, successful mammalian embryo cloning practices use the metaphase II
15 stage oocyte as the recipient oocyte because at this stage it is believed that the oocyte can be or is sufficiently "activated" to treat the introduced nucleus as it does a fertilizing sperm. In domestic animals, and especially cattle, the oocyte activation period generally ranges from
20 about 16-52 hours, preferably about 28-42 hours post-aspiration.

For example, immature oocytes may be washed in HEPES buffered hamster embryo culture medium (HECM) as described in Seshagine et al., *Biol. Reprod.*, 40, 544-606, 1989, and
25 then placed into drops of maturation medium consisting of 50 microliters of tissue culture medium (TCM) 199

containing 10% fetal calf serum which contains appropriate gonadotropins such as luteinizing hormone (LH) and follicle stimulating hormone (FSH), and estradiol under a layer of lightweight paraffin or silicon at 39°C.

5 After a fixed time maturation period, which ranges from about 10 to 40 hours, and preferably about 16-18 hours, the oocytes will be enucleated. Prior to enucleation the oocytes will preferably be removed and placed in HECM containing 1 milligram per milliliter of
10 hyaluronidase prior to removal of cumulus cells. This may be effected by repeated pipetting through very fine bore pipettes or by vortexing briefly. The stripped oocytes are then screened for polar bodies, and the selected metaphase II oocytes, as determined by the presence of
15 polar bodies, are then used for nuclear transfer.

Enucleation follows.

Enucleation may be effected by known methods, such as described in U.S. Patent No. 4,994,384 which is incorporated by reference herein. For example, metaphase
20 II oocytes are either placed in HECM, optionally containing 7.5 micrograms per milliliter cytochalasin B, for immediate enucleation, or may be placed in a suitable medium, for example an embryo culture medium such as CR1aa, plus 10% estrus cow serum, and then enucleated
25 later, preferably not more than 24 hours later, and more preferably 16-18 hours later.

Enucleation may be accomplished microsurgically using a micropipette to remove the polar body and the adjacent cytoplasm. The oocytes may then be screened to identify those of which have been successfully enucleated. This
5 screening may be effected by staining the oocytes with 1 microgram per milliliter 33342 Hoechst dye in HECM, and then viewing the oocytes under ultraviolet irradiation for less than 10 seconds. The oocytes that have been successfully enucleated can then be placed in a suitable
10 culture medium, e.g., CR1aa plus 10% serum.

In the present invention, the recipient oocytes will preferably be enucleated at a time ranging from about 10 hours to about 40 hours after the initiation of *in vitro* maturation, more preferably from about 16 hours to about
15 24 hours after initiation of *in vitro* maturation, and most preferably about 16-18 hours after initiation of *in vitro* maturation.

A single mammalian cell of the same species as the enucleated oocyte will then be transferred into the
20 perivitelline space of the enucleated oocyte used to produce the NT unit. The mammalian cell and the enucleated oocyte will be used to produce NT units according to methods known in the art. For example, the cells may be fused by electrofusion. Electrofusion is
25 accomplished by providing a pulse of electricity that is sufficient to cause a transient breakdown of the plasma

membrane. This breakdown of the plasma membrane is very short because the membrane reforms rapidly. Thus, if two adjacent membranes are induced to breakdown and upon reformation the lipid bilayers intermingle, small channels will open between the two cells. Due to the thermodynamic instability of such a small opening, it enlarges until the two cells become one. Reference is made to U.S. Patent 4,997,384 by Prather et al., (incorporated by reference in its entirety herein) for a further discussion of this process. A variety of electrofusion media can be used including e.g., sucrose, mannitol, sorbitol and phosphate buffered solution. Fusion can also be accomplished using Sendai virus as a fusogenic agent (Graham, *Wister Inot. Symp. Monogr.*, 9, 19, 1969).

Also, in some cases (e.g. with small donor nuclei) it may be preferable to inject the nucleus directly into the oocyte rather than using electroporation fusion. Such techniques are disclosed in Collas and Barnes, *Mol. Reprod. Dev.*, 38:264-267 (1994), incorporated by reference in its entirety herein.

Preferably, the mammalian cell and oocyte are electrofused in a 500 μ m chamber by application of an electrical pulse of 90-120V for about 15 μ sec, about 24 hours after initiation of oocyte maturation. After fusion, the resultant fused NT units are then placed in a suitable medium until activation, e.g., CR1aa medium.

Typically activation will be effected shortly thereafter, typically less than 24 hours later, and preferably about 4-9 hours later.

The NT unit may be activated by known methods. Such methods include, e.g., culturing the NT unit at sub-physiological temperature, in essence by applying a cold, or actually cool temperature shock to the NT unit. This may be most conveniently done by culturing the NT unit at room temperature, which is cold relative to the physiological temperature conditions to which embryos are normally exposed.

Alternatively, activation may be achieved by application of known activation agents. For example, penetration of oocytes by sperm during fertilization has been shown to activate prefusion oocytes to yield greater numbers of viable pregnancies and multiple genetically identical calves after nuclear transfer. Also, treatments such as electrical and chemical shock may be used to activate NT embryos after fusion. Suitable oocyte activation methods are the subject of U.S. Patent No. 5,496,720, to Susko-Parrish et al., herein incorporated by reference in its entirety.

Additionally, activation may be effected by simultaneously or sequentially:

- (i) increasing levels of divalent cations in the oocyte, and

(ii) reducing phosphorylation of cellular proteins in the oocyte.

This will generally be effected by introducing divalent cations into the oocyte cytoplasm, e.g., magnesium, strontium, barium or calcium, e.g., in the form of an ionophore. Other methods of increasing divalent cation levels include the use of electric shock, treatment with ethanol and treatment with caged chelators.

Phosphorylation may be reduced by known methods, e.g., by the addition of kinase inhibitors, e.g., serine-threonine kinase inhibitors, such as 6-dimethyl-aminopurine, staurosporine, 2-aminopurine, and sphingosine.

Alternatively, phosphorylation of cellular proteins may be inhibited by introduction of a phosphatase into the oocyte, e.g., phosphatase 2A and phosphatase 2B.

In one embodiment, NT activation is effected by briefly exposing the fused NT unit to a TL-HEPES medium containing 5 μ M ionomycin and 1 mg/ml BSA, followed by washing in TL-HEPES containing 30 mg/ml BSA within about 24 hours after fusion, and preferably about 4 to 9 hours after fusion.

The activated NT units may then be cultured in a suitable *in vitro* culture medium until the generation of C1CM cells and cell colonies. Culture media suitable for culturing and maturation of embryos are well known in the

art. Examples of known media, which may be used for bovine embryo culture and maintenance, include Ham's F-10 + 10% fetal calf serum (FCS), Tissue Culture Medium-199 (TCM-199) + 10% fetal calf serum, Tyrodes-Albumin-Lactate-
5 Pyruvate (TALP), Dulbecco's Phosphate Buffered Saline (PBS), Eagle's and Whitten's media. One of the most common media used for the collection and maturation of oocytes is TCM-199, and 1 to 20% serum supplement including fetal calf serum, newborn serum, estrual cow
10 serum, lamb serum or steer serum. A preferred maintenance medium includes TCM-199 with Earl salts, 10% fetal calf serum, 0.2 mM Na pyruvate and 50 µg/ml gentamicin sulphate. Any of the above may also involve co-culture with a variety of cell types such as granulosa cells,
15 oviduct cells, BRL cells and uterine cells and STO cells.

Another maintenance medium is described in U.S. Patent 5,096,822 to Rosenkrans, Jr. et al., which is incorporated herein by reference. This embryo medium, named CR1, contains the nutritional substances necessary
20 to support an embryo.

CR1 contains hemicalcium L-lactate in amounts ranging from 1.0 mM to 10 mM, preferably 1.0 mM to 5.0 mM. Hemicalcium L-lactate is L-lactate with a hemicalcium salt incorporated thereon. Hemicalcium L-lactate is
25 significant in that a single component satisfies two major requirements in the culture medium: (i) the calcium

requirement necessary for compaction and cytoskeleton arrangement; and (ii) the lactate requirement necessary for metabolism and electron transport. Hemicalcium L-lactate also serves as valuable mineral and energy source for the medium necessary for viability of the embryos.

Advantageously, CR1 medium does not contain serum, such as fetal calf serum, and does not require the use of a co-culture of animal cells or other biological media, i.e., media comprising animal cells such as oviductal cells. Biological media can sometimes be disadvantageous in that they may contain microorganisms or trace factors which may be harmful to the embryos and which are difficult to detect, characterize and eliminate.

Examples of the main components in CR1 medium include hemicalcium L-lactate, sodium chloride, potassium chloride, sodium bicarbonate and a minor amount of fatty-acid free bovine serum albumin (Sigma A-6003).

Additionally, a defined quantity of essential and non-essential amino acids may be added to the medium. CR1 with amino acids is known by the abbreviation "CR1aa."

CR1 medium preferably contains the following components in the following quantities:

	sodium chloride	- 114.7 mM
25	potassium chloride	- 3.1 mM
	sodium bicarbonate	- 26.2 mM

hemicalcium L-lactate - 5 mM
fatty-acid free BSA - 3 mg/ml

In one embodiment, the activated NT embryos unit are placed in CR1aa medium containing 1.9 mM DMAP for about 4 5 hours followed by a wash in HECM and then cultured in CR1aa containing BSA.

For example, the activated NT units may be transferred to CR1aa culture medium containing 2.0 mM DMAP (Sigma) and cultured under ambient conditions, e.g., about 10 38.5°C, 5% CO₂ for a suitable time, e.g., about 4 to 5 hours.

Afterward, the cultured NT unit or units are preferably washed and then placed in a suitable media, e.g., CR1aa medium containing 10% FCS and 6 mg/ml 15 contained in well plates which preferably contain a suitable confluent feeder layer. Suitable feeder layers include, by way of example, fibroblasts and epithelial cells, e.g., fibroblasts and uterine epithelial cells derived from ungulates, chicken fibroblasts, murine (e.g., 20 mouse or rat) fibroblasts, STO and SI-m220 feeder cell lines, and BRL cells.

In one embodiment, the feeder cells comprise mouse embryonic fibroblasts. Preparation of a suitable fibroblast feeder layer is described in the example which 25 follows and is well within the skill of the ordinary artisan.

The NT units are cultured on the feeder layer until the NT units reach a size suitable for transferring to a recipient female, or for obtaining cells which may be used to produce CICM cells or cell colonies. Preferably, these NT units will be cultured until at least about 2 to 400 cells, more preferably about 4 to 128 cells, and most preferably at least about 50 cells. The culturing will be effected under suitable conditions, i.e., about 38.5°C and 5% CO₂, with the culture medium changed in order to optimize growth typically about every 2-5 days, preferably about every 3 days.

The methods for embryo transfer and recipient animal management in the present invention are standard procedures used in the embryo transfer industry. Synchronous transfers are important for success of the present invention, i.e., the stage of the NT embryo is in synchrony with the estrus cycle of the recipient female. This advantage and how to maintain recipients are reviewed in Siedel, G.E., Jr. ("Critical review of embryo transfer procedures with cattle" in Fertilization and Embryonic Development in Vitro (1981) L. Mastroianni, Jr. and J.D. Biggers, ed., Plenum Press, New York, NY, page 323), the contents of which are hereby incorporated by reference.

The present invention can also be used to clone genetically engineered or transgenic mammals. As explained above, the present invention is advantageous in

that transgenic procedures can be simplified by working with a differentiated cell source that can be clonally propagated. In particular, the differentiated cells used for donor nuclei have a desired gene inserted, removed or
5 modified. Those genetically altered, differentiated cells are then used for nuclear transplantation with enucleated oocytes.

Any known method for inserting, deleting or modifying a desired gene from a mammalian cell may be used for
10 altering the differentiated cell to be used as the nuclear donor. These procedures may remove all or part of a gene, and the gene may be heterologous. Included is the technique of homologous recombination, which allows the insertion, deletion or modification of a gene or genes at
15 a specific site or sites in the cell genome.

The present invention can thus be used to provide adult mammals with desired genotypes. Multiplication of adult ungulates with proven genetic superiority or other desirable traits is particularly useful, including
20 transgenic or genetically engineered animals, and chimeric animals. Furthermore, cell and tissues from the NT fetus, including transgenic and/or chimeric fetuses, can be used in cell, tissue and organ transplantation for the treatment of numerous diseases as described below in
25 connection with the use of CICM cells.

For production of C1CM cells and cell lines, after NT units of the desired size are obtained, the cells are mechanically removed from the zone and are then used. This is preferably effected by taking the clump of cells which comprise the NT unit, which typically will contain at least about 50 cells, washing such cells, and plating the cells onto a feeder layer, e.g., irradiated fibroblast cells. Typically, the cells used to obtain the stem cells or cell colonies will be obtained from the inner most portion of the cultured NT unit which is preferably at least 50 cells in size. However, NT units of smaller or greater cell numbers as well as cells from other portions of the NT unit may also be used to obtain ES cells and cell colonies. The cells are maintained in the feeder layer in a suitable growth medium, e.g., alpha MEM supplemented with 10% FCS and 0.1 mM β -mercaptoethanol (Sigma) and L-glutamine. The growth medium is changed as often as necessary to optimize growth, e.g., about every 2-3 days.

This culturing process results in the formation of C1CM cells or cell lines. One skilled in the art can vary the culturing conditions as desired to optimize growth of the particular C1CM cells. Also, genetically engineered or transgenic mammalian C1CM cells may be produced according to the present invention. That is, the methods described above can be used to produce NT units in which a

desired gene or genes have been introduced, or from which all or part of an endogenous gene or genes have been removed or modified. Those genetically engineered or transgenic NT units can then be used to produce
5 genetically engineered or transgenic C1CM cells, including human cells.

The resultant C1CM cells and cell lines, preferably human C1CM cells and cell lines, have numerous therapeutic and diagnostic applications. Most especially, such C1CM
10 cells may be used for cell transplantation therapies. Human C1CM cells have application in the treatment of numerous disease conditions. Human NT units *per se* may also be used in the treatment of disease conditions.

In this regard, it is known that mouse embryonic stem
15 (ES) cells are capable of differentiating into almost any cell type, e.g., hematopoietic stem cells. Therefore, human C1CM cells produced according to the invention should possess similar differentiation capacity. The C1CM cells according to the invention will be induced to
20 differentiate to obtain the desired cell types according to known methods. For example, the subject human C1CM cells may be induced to differentiate into hematopoietic stem cells, muscle cells, cardiac muscle cells, liver cells, cartilage cells, epithelial cells, urinary tract
25 cells, etc., by culturing such cells in differentiation medium and under conditions which provide for cell

differentiation. Medium and methods which result in the differentiation of CICM cells are known in the art as are suitable culturing conditions.

For example, Palacios et al, *Proc. Natl. Acad. Sci.,*
5 *USA*, 92:7530-7537 (1995) teaches the production of
hematopoietic stem cells from an embryonic cell line by
subjecting stem cells to an induction procedure comprising
initially culturing aggregates of such cells in a
suspension culture medium lacking retinoic acid followed
10 by culturing in the same medium containing retinoic acid,
followed by transferral of cell aggregates to a substrate
which provides for cell attachment.

Moreover, Pedersen, *J. Reprod. Fertil. Dev.*, 6:543-
552 (1994) is a review article which references numerous
15 articles disclosing methods for *in vitro* differentiation
of embryonic stem cells to produce various differentiated
cell types including hematopoietic cells, muscle, cardiac
muscle, nerve cells, among others.

Further, Bain et al, *Dev. Biol.*, 168:342-357 (1995)
20 teaches *in vitro* differentiation of embryonic stem cells
to produce neural cells which possess neuronal properties.
These references are exemplary of reported methods for
obtaining differentiated cells from embryonic or stem
cells. These references and in particular the disclosures
25 therein relating to methods for differentiating embryonic

stem cells are incorporated by reference in their entirety herein.

Thus, using known methods and culture medium, one skilled in the art may culture the subject C1CM cells, including genetically engineered or transgenic C1CM cells, to obtain desired differentiated cell types, e.g., neural cells, muscle cells, hematopoietic cells, etc.

The subject C1CM cells may be used to obtain any desired differentiated cell type. Therapeutic usages of such differentiated human cells are unparalleled. For example, human hematopoietic stem cells may be used in medical treatments requiring bone marrow transplantation. Such procedures are used to treat many diseases, e.g., late stage cancers such as ovarian cancer and leukemia, as well as diseases that compromise the immune system, such as AIDS. Hematopoietic stem cells can be obtained, e.g., by fusing adult somatic cells of a cancer or AIDS patient, e.g., epithelial cells or lymphocytes with an enucleated oocyte, obtaining C1CM cells as described above, and culturing such cells under conditions which favor differentiation, until hematopoietic stem cells are obtained. Such hematopoietic cells may be used in the treatment of diseases including cancer and AIDS.

Alternatively, adult somatic cells from a patient with a neurological disorder may be fused with an enucleated oocyte, human C1CM cells obtained therefrom,

and such cells cultured under differentiation conditions to produce neural cell lines. Specific diseases treatable by transplantation of such human neural cells include, by way of example, Parkinson's disease, Alzheimer's disease, 5 ALS and cerebral palsy, among others. In the specific case of Parkinson's disease, it has been demonstrated that transplanted fetal brain neural cells make the proper connections with surrounding cells and produce dopamine. This can result in long-term reversal of Parkinson's 10 disease symptoms.

The great advantage of the subject invention is that it provides an essentially limitless supply of isogenic or syngenic human cells suitable for transplantation. Therefore, it will obviate the significant problem 15 associated with current transplantation methods, i.e., rejection of the transplanted tissue which may occur because of host-vs-graft or graft-vs-host rejection. Conventionally, rejection is prevented or reduced by the administration of anti-rejection drugs such as 20 cyclosporine. However, such drugs have significant adverse side-effects, e.g., immunosuppression, carcinogenic properties, as well as being very expensive. The present invention should eliminate, or at least greatly reduce, the need for anti-rejection drugs. 25 Other diseases and conditions treatable by isogenic cell therapy include, by way of example, spinal cord

injuries, multiple sclerosis, muscular dystrophy,
diabetes, liver diseases, i.e., hypercholesterolemia,
heart diseases, cartilage replacement, burns, foot ulcers,
gastrointestinal diseases, vascular diseases, kidney
5 disease, urinary tract disease, and aging related diseases
and conditions.

This methodology can be used to replace defective
genes, e.g., defective immune system genes, cystic
fibrosis genes, or to introduce genes which result in the
10 expression of therapeutically beneficial proteins such as
growth factors, lymphokines, cytokines, enzymes, etc. For
example, the gene encoding brain derived growth factor may
be introduced into human CICM cells, the cells
differentiated into neural cells and the cells
15 transplanted into a Parkinson's patient to retard the loss
of neural cells during such disease.

Previously, cell types transfected with BDNF varied
from primary cells to immortalized cell lines, either
neural or non-neural (myoblast and fibroblast) derived
20 cells. For example, astrocytes have been transfected with
BDNF gene using retroviral vectors, and the cells grafted
into a rat model of Parkinson's disease (Yoshimoto et al.,
Brain Research, 691:25-36, (1995)).

This *ex vivo* therapy reduced Parkinson's-like
25 symptoms in the rats up to 45% 32 days after transfer.

Also, the tyrosine hydroxylase gene has been placed into

astrocytes with similar results (Lundberg et al., *Develop. Neurol.*, 139:39-53 (1996) and references cited therein).

However, such *ex vivo* systems have problems. In particular, retroviral vectors currently used are down-regulated *in vivo* and the transgene is only transiently expressed (review by Mulligan, *Science*, 260:926-932 (1993)). Also, such studies used primary cells, astrocytes, which have finite life span and replicate slowly. Such properties adversely affect the rate of transfection and impede selection of stably transfected cells. Moreover, it is almost impossible to propagate a large population of gene targeted primary cells to be used in homologous recombination techniques. By contrast, the difficulties associated with retroviral systems should be eliminated by the use of mammalian CICM cells.

Genes which may be introduced into the subject CICM cells include, by way of example, epidermal growth factor, basic fibroblast growth factor, glial derived neurotrophic growth factor, insulin-like growth factor (I and II), neurotrophin-3, neurotrophin-4/5, ciliary neurotrophic factor, AFT-1, cytokine genes (interleukins, interferons, colony stimulating factors, tumor necrosis factors (alpha and beta), etc.), genes encoding therapeutic enzymes, etc.

In addition to the use of human CICM cells in cell, tissue and organ transplantation, the present invention also includes the use of non-human cells in the treatment

of human diseases. Thus, C1CM cells, NT fetuses and NT
and chimeric offspring (transgenic or non-transgenic) of
any species may be used in the treatment of human disease
conditions where cell, tissue or organ transplantation is
5 warranted. In general, C1CM cell, fetuses and offspring
according to the present invention can be used within the
same species (autologous, syngenic or allografts) or
across species (xenografts). For example, brain cells
from bovine NT fetuses may be used to treat Parkinson's
10 disease.

Also, the subject C1CM cells, preferably human cells,
may be used as an *in vitro* model of differentiation, in
particular for the study of genes which are involved in
the regulation of early development. Also,
15 differentiated cell tissues and organs using the subject
C1CM cells may be used in drug studies.

Further, the subject C1CM cells may be used as
nuclear donors for the production of other C1CM cells and
cell colonies.

20 In order to more clearly describe the subject
invention, the following examples are provided.

EXAMPLE 1

Isolation of primary cultures of bovine and porcine embryonic and adult bovine fibroblast cells.

Primary cultures of bovine and porcine fibroblasts
5 were obtained from fetuses (45 days of pregnancy for
cattle and 35 days for pig fetuses). The head, liver,
heart and alimentary tract were aseptically removed, the
fetuses minced and incubated for 30 minutes at 37°C in
prewarmed trypsin EDTA solution (0.05% trypsin/0.02% EDTA;
10 GIBCO, Grand Island, NY). Fibroblast cells were plated in
tissue culture dishes and cultured in alpha-MEM, medium
(BioWhittaker, Walkersville, MD) supplemented with 10%
fetal calf serum (FCS) (Hyclone, Logen, UT), penicillin
(100 IU/ml) and streptomycin (50 µl/ml). The fibroblasts
15 were grown and maintained in a humidified atmosphere with
5% CO₂ in air at 37°C.

Adult fibroblast cells were isolated from the lung of
a cow (approximately five years of age). Minced lung
tissue was incubated overnight at 10°C in trypsin EDTA
20 solution (0.05% trypsin/0.02% EDTA; GIBCO, Grand Island,
NY). The following day tissue and any disassociated cells
were incubated for one hour at 37°C in prewarmed trypsin
EDTA solution (0.05% trypsin/0.02% EDTA; GIBCO, Grand
Island, NY) and processed through three consecutive washes
25 and trypsin incubations (one hr). Fibroblast cells were
plated in tissue culture dishes and cultured in alpha-MEM
medium (BioWhittaker, Walkersville, MD) supplemented with

10% fetal calf serum (FCS) (Hyclone, Logan, UT),
penicillin (100 IU/ml) and streptomycin (50 μ l/ml). The
fibroblast cells can be isolated at virtually any time in
development, ranging from approximately post embryonic
5 disc stage through adult life of the animal (bovine day 12
to 15 after fertilization to 10 to 15 years of age
animals). This procedure can also be used to isolate
fibroblasts from other mammals, including mice.

10 **Introduction of a marker gene (foreign heterologous DNA)
into embryonic and adult fibroblast cells.**

The following electroporation procedure was conducted
for both embryonic (cattle and pigs) and adult (cattle)
fibroblast cells. Standard microinjection procedures may
also be used to introduce heterologous DNA into fibroblast
15 cells, however, in this example electroporation was used
because it is an easier procedure.

Culture plates containing propagating fibroblast
cells were incubated in trypsin EDTA solution (0.05%
trypsin/0.02% EDTA; GIBCO, Grand Island, NY) until the
20 cells were in a single cell suspension. The cells were
spun down at 500 x g and re-suspended at 5 million cells
per ml with phosphate buffered saline (PBS).

The reporter gene construct contained the
cytomegalovirus promoter and the beta-galactosidase,
25 neomycin phosphotransferase fusion gene (beta-GEO). The
reporter gene and the cells at 50 μ g/ml final
concentration were added to the electroporation chamber.

After the electroporation pulse, the fibroblast cells were transferred back into the growth medium (alpha-MEM medium (BioWhittaker, Walkersville, MD) supplemented with 10% fetal calf serum (FCS) (Hyclone, Logan, UT), penicillin 5 (100 IU/ml) and streptomycin (50 μ l/ml)).

The day after electroporation, attached fibroblast cells were selected for stable integration of the reporter gene. G418 (400 μ g/ml) was added to growth medium for 15 days (range: 3 days until the end of the cultured cells' 10 life span). This drug kills any cells without the beta-GEO gene, since they do not express the neo resistance gene. At the end of this time, colonies of stable transgenic cells were present. Each colony was propagated independently of each other. Transgenic fibroblast cells 15 were stained with X-gal to observe expression of beta-galactosidase, and confirmed positive for integration using PCR amplification of the beta-GEO gene and run out on an agarose gel.

20 Use of transgenic fibroblast cells in nuclear transfer procedures to create CICM cell lines and transgenic fetuses

One line of cells (CL-1) derived from one colony of bovine embryonic fibroblast cells was used as donor nuclei in the nuclear transfer (NT) procedure. General NT 25 procedures are described above.

Slaughterhouse oocytes were matured in vitro. The oocytes were stripped of cumulus cells and enucleated with

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a beveled micropipette at approximately 18 to 20 hrs post maturation (hpm). Enucleation was confirmed in TL-HEPES medium plus Hoechst 33342 (3 μ g/ml; Sigma). Individual donor cells (fibroblasts) were then placed in the 5 perivitelline space of the recipient oocyte. The bovine oocyte cytoplasm and the donor nucleus (NT unit) were fused together using electrofusion techniques. One fusion pulse consisting of 120 V for 15 μ sec in a 500 μ m gap chamber was applied to the NT unit. This occurred at 24 10 hpm. The NT units were placed in CR1aa medium until 26 to 27 hpm.

The general procedure used to artificially activate oocytes has been described above. NT unit activation was initiated between 26 and 27 hpm. Briefly, NT units were 15 exposed for four min to ionomycin (5 μ M; CalBiochem, La Jolla, CA) in TL-HEPES supplemented with 1 mg/ml BSA and then washed for five min in TL-HEPES supplemented with 30 mg/ml BSA. Throughout the ionomycin treatment, NT units were also exposed to 2 mM DMAP (Sigma). Following the 20 wash, NT units were then transferred into a microdrop of CR1aa culture medium containing 2 mM DMAP (Sigma) and cultured at 38.5°C 5% CO₂ for four to five hrs. The embryos were washed and then placed in CR1aa medium plus 10% FCS and 6 mg/ml BSA in four well plates containing a 25 confluent feeder layer of mouse embryonic fibroblast. The NT units were cultured for three more days at 38.5°C and

5% CO₂. Culture medium was changed every three days until days 5 to 8 after activation. At this time blastocyst stage NT embryos can be used to produce transgenic CICM (cultured inner cell mass) cell lines or fetuses. The 5 inner cell mass of these NT units can be isolated and plated on a feeder layer. Also, NT units were transferred into recipient females. The pregnancies were aborted at 35 days of gestation. This resulted in two cloned transgenic fetuses having the beta-GEO gene in all tissues 10 checked. Thus, this is a fast and easy method of making transgenic CICM cell lines and fetuses. This procedure is generally conducive to gene targeted CICM cell lines and fetuses.

The table below summarizes the results of these 15 experiments.

donor cell type	n	cleavage (%)	blastocysts (%)	CICM* lines (%)	transgenic fetuses (%)
CL-1 bovine embryonic fibroblast (bGEO)	412	220 (53)	40 (10%)	22 (55%)	
CL-1 bovine embryonic fibroblast (bGEO)	505		46 (9%)		4 fetuses†/ 16 embryos (20%)
CICM cell line derived from CL-1 NT embryos	709		5 (0.7%)		

* 19 lines were positive for beta-GEO, 2 were negative and one line died prior to PCR detection.

† One fetus was dead and another was slightly retarded in development at 35 days of gestation. Two fetuses recovered at day 38 were normal. All fetuses were confirmed transgenic.

EXAMPLE 2

Chimeric fetuses derived from transgenic C126 cells. The transgenic C126 cell line was derived originally from a transgenic NT unit (differentiated cell).

A C126 line derived from transgenic NT embryos (a CL-1 cell transferred into an enucleated oocyte) was used to produce chimeric embryos and fetuses. Colonies of transgenic C126 cells were disaggregated either using 1-5 mg/ml pronase or 0.05% trypsin/EDTA combined with mechanical disaggregation methods so that clumps of five or fewer cells were produced. Trypsin or pronase activity was inactivated by passing the cells through multiple washes of 30 to 100% fetal calf serum. The disaggregated cells were placed in micromanipulation plates containing TL-HEPES medium. Fertilized embryos were also placed in these plates and micromanipulation tools were used to produce the chimeric embryos. Eight to ten transgenic C126 cells were injected into 8-16 cell stage fertilized embryos. These embryos were cultured in vitro to the blastocyst stage and then transferred into recipient animals.

A total of 6 blastocyst stage chimeric embryos were non-surgically transferred into two recipient females. After five weeks of gestation 3 fetuses were recovered. Several tissues of the three fetuses, including germ cells of the gonad (suggesting germ-line chimeras), were screened by PCR amplification and southern blot hybridization of the amplified product to a beta-galactosidase fragment. Of the three fetuses, two were positive for contribution from the transgenic C126 cells. Both of these fetuses had transgenic C126 contribution to the gonad.

Transgenic NT embryos derived from transgenic C1CM cell lines. The transgenic C1CM cell line was derived originally from a transgenic NT unit (differentiated cell).

The same transgenic C1CM cell lines were used to produce NT embryos. The NT procedures described in Example 1 were used except that C1CM cells instead of fibroblast cells were used as the donor cell fused with the enucleated oocyte. Colonies of transgenic C1CM cells were disaggregated either using 1-5 mg/ml pronase or 0.05% trypsin/EDTA combined with mechanical disaggregation methods so that clumps of five or fewer cells were produced. Trypsin or pronase activity was inactivated by passing the cells through multiple washes of 30 to 100% fetal calf serum before transferring the cells into enucleated oocytes. Results are reported in Table 1 (third group). Five blastocyst stage embryos were produced.

WHAT IS CLAIMED IS:

1. A method of cloning a mammal, comprising:
 - (i) inserting a desired differentiated mammalian cell or cell nucleus into an enucleated mammalian oocyte
5 of the same species as the differentiated cell or cell nucleus, under conditions suitable for the formation of a nuclear transfer (NT) unit;
 - (ii) activating the resultant nuclear transfer unit;
 - (iii) culturing said activated nuclear transfer unit
10 until greater than the 2-cell developmental stage; and
 - (iv) transferring said cultured NT unit to a host mammal such that the NT unit develops into a fetus.
2. The method according to claim 1, which further comprises developing the fetus to an offspring.
- 15 3. The method according to claim 1, wherein a desired DNA is inserted, removed or modified in said differentiated mammalian cell or cell nucleus, thereby resulting in the production of a genetically altered NT unit.
- 20 4. The method according to claim 3, which further comprises developing the fetus to an offspring.

5. The method according to claim 1, wherein the differentiated mammalian cell or cell nucleus is derived from mesoderm.

6. The method according to claim 1, wherein the differentiated mammalian cell or cell nucleus is derived from ectoderm.

7. The method according to claim 1, wherein the differentiated mammalian cell or cell nucleus is derived from endoderm.

10 8. The method according to claim 1, wherein the differentiated mammalian cell or cell nucleus is a fibroblast cell or cell nucleus.

9. The method according to claim 1, wherein the differentiated mammalian cell or cell nucleus is from an ungulate.

10. The method according to claim 9, wherein the ungulate is selected from the group consisting of bovine, ovine, porcine, equine, caprine and buffalo.

11. The method according to claim 1, wherein the differentiated mammalian cell or cell nucleus is an adult cell or cell nucleus.

12. The method according to claim 1, wherein the 5 differentiated mammalian cell or cell nucleus is an embryonic or fetal cell or cell nucleus.

13. The method according to claim 1, wherein the enucleated oocyte is matured prior to enucleation.

14. The method according to claim 1, wherein the 10 fused nuclear transfer unit is activated by exposure to ionomycin and 6-dimethylaminopurine.

15. The method according to claim 3, wherein microinjection is used to insert a heterologous DNA.

16. The method according to claim 3, wherein 15 electroporation is used to insert a heterologous DNA.

17. A fetus obtained according to the method of claim 1.

18. An offspring obtained according to the method of claim 2.

19. Progeny of the offspring according to claim 18.

20. A transgenic fetus obtained according to the method of claim 3.

21. A transgenic offspring obtained according to the method of claim 4.

22. Progeny of the offspring according to claim 21.

23. The method according to claim 1, which further comprises combining the cloned NT unit with a fertilized embryo to produce a chimeric embryo.

24. The method according to claim 23, which further comprises developing the fetus to an offspring.

25. A fetus obtained according to the method of claim 23.

26. An offspring obtained according to the method of claim 24.

27. Progeny of the mammal according to claim 26.

28. A method of producing a CICM cell line,
comprising:

- (i) inserting a desired differentiated mammalian cell or cell nucleus into an enucleated mammalian oocyte
5 of the same species as the differentiated cell or cell nucleus, under conditions suitable for the formation of a nuclear transfer (NT) unit;
- (ii) activating the resultant nuclear transfer unit;
- (iii) culturing said activated nuclear transfer unit
10 until greater than the 2-cell developmental stage; and
- (iv) culturing cells obtained from said cultured NT unit to obtain a CICM cell line.

29. A CICM cell line obtained according to the method of claim 28.

15 30. The method according to claim 28, wherein a desired DNA is inserted, removed or modified in said differentiated mammalian cell or cell nucleus, thereby resulting in the production of a genetically altered NT unit.

20 31. A transgenic CICM cell line obtained according to claim 30.

32. The method of claim 28, wherein the resultant CICM cell line is induced to differentiate.

33. Differentiated cells obtained by the method of claim 32.

5 34. Human differentiated cells obtained by the method of claim 32.

35. A method of therapy which comprises administering to a patient in need of cell transplantation therapy isogenic differentiated cells according to claim
10 34.

36. The method of Claim 35, wherein said cell transplantation therapy is effected to treat a disease or condition selected from the group consisting of Parkinson's disease, Huntington's disease, Alzheimer's disease,
15 ALS, spinal cord defects or injuries, multiple sclerosis, muscular dystrophy, cystic fibrosis, liver disease, diabetes, heart disease, cartilage defects or injuries, burns, foot ulcers, vascular disease, urinary tract disease, AIDS and cancer.

20 37. A method of therapy which comprises administering to a human patient in need of cell

transplantation therapy xenogenic differentiated cells according to claim 33.

38. The method according to claim 37 wherein the xenogenic differentiated cells are bovine cells.

5 39. The method of Claim 37, wherein said cell transplantation therapy is effected to treat a disease or condition selected from the group consisting of Parkinson's disease, Huntington's disease, Alzheimer's disease, ALS, spinal cord defects or injuries, multiple sclerosis,
10 muscular dystrophy, cystic fibrosis, liver disease, diabetes, heart disease, cartilage defects or injuries, burns, foot ulcers, vascular disease, urinary tract disease, AIDS and cancer.

40. The method of Claim 35, wherein the differenti-
15 ated human cells are hematopoietic cells or neural cells.

41. The method of Claim 35, wherein the therapy is for treatment of Parkinson's disease and the differentiated cells are neural cells.

42. The method of Claim 35, wherein the therapy is
20 for the treatment of cancer and the differentiated cells are hematopoietic cells.

43. A method of therapy which comprises administering to a human patient in need of cell transplantation therapy xenogenic cells obtained from a fetus according to claim 17.

5 44. The method according to claim 43 wherein the xenogenic cells are bovine cells.

45. The method of Claim 43, wherein said cell transplantation therapy is effected to treat a disease or condition selected from the group consisting of Parkinson's disease, Huntington's disease, Alzheimer's disease, ALS, spinal cord defects or injuries, multiple sclerosis, muscular dystrophy, cystic fibrosis, liver disease, diabetes, heart disease, cartilage defects or injuries, burns, foot ulcers, vascular disease, urinary tract disease, AIDS
10 and cancer.
15

46. A method of therapy which comprises administering to a human patient in need of cell transplantation therapy xenogenic cells obtained from an offspring according to claim 18.

20 47. The method according to claim 46 wherein the xenogenic cells are bovine cells.

48. The method of Claim 46, wherein said cell transplantation therapy is effected to treat a disease or condition selected from the group consisting of Parkinson's disease, Huntington's disease, Alzheimer's disease, 5 ALS, spinal cord defects or injuries, multiple sclerosis, muscular dystrophy, cystic fibrosis, liver disease, diabetes, heart disease, cartilage defects or injuries, burns, foot ulcers, vascular disease, urinary tract disease, AIDS and cancer.

10 49. A method of therapy which comprises administering to a human patient in need of cell transplantation therapy xenogenic transgenic cells obtained from a transgenic fetus according to claim 20.

50. The method according to claim 49 wherein the 15 xenogenic transgenic cells are bovine cells.

51. The method of Claim 49, wherein said cell transplantation therapy is effected to treat a disease or condition selected from the group consisting of Parkinson's disease, Huntington's disease, Alzheimer's disease, 20 ALS, spinal cord defects or injuries, multiple sclerosis, muscular dystrophy, cystic fibrosis, liver disease, diabetes, heart disease, cartilage defects or injuries, burns,

foot ulcers, vascular disease, urinary tract disease, AIDS and cancer.

52. A method of therapy which comprises administering to a human patient in need of cell
5 transplantation therapy xenogenic transgenic cells obtained from a transgenic offspring according to claim 21.

53. The method according to claim 52 wherein the xenogenic transgenic cells are bovine cells.

10 54. The method of Claim 52, wherein said cell transplantation therapy is effected to treat a disease or condition selected from the group consisting of Parkinson's disease, Huntington's disease, Alzheimer's disease, ALS, spinal cord defects or injuries, multiple sclerosis,
15 muscular dystrophy, cystic fibrosis, liver disease, diabetes, heart disease, cartilage defects or injuries, burns, foot ulcers, vascular disease, urinary tract disease, AIDS and cancer.

55. The method according to claim 28, which further
20 comprises combining the cloned NT unit with a fertilized embryo to produce a chimera.

56. The method according to claim 55, which further comprises developing the chimeric C1CM cell line to a chimeric embryo.

57. A chimeric embryo obtained according to claim
5 56.

58. The method according to claim 56, which further comprises developing the chimeric embryo to a chimeric fetus.

59. A chimeric fetus obtained according to claim 58.

10 60. The method according to claim 58, which further comprises developing the chimeric fetus to a chimeric offspring.

61. A chimeric offspring obtained according to claim
60.

15 62. The method according to claim 55, wherein a desired DNA is inserted, removed or modified in said differentiated mammalian cell or cell nucleus, thereby resulting in the production of a genetically altered NT unit.

63. The method according to claim 62, which further comprises developing the chimeric C1CM cell line to a chimeric embryo.

64. A chimeric embryo obtained according to claim
5 63.

65. The method according to claim 63, which further comprises developing the chimeric embryo to a chimeric fetus.

66. A chimeric fetus obtained according to claim 65.

10 67. The method according to claim 65, which further comprises developing the chimeric fetus to a chimeric offspring.

68. A chimeric offspring obtained according to claim
67.

15 69. A method of cloning a mammal, comprising:

(i) inserting a desired differentiated C1CM cell or cell nucleus into an enucleated mammalian oocyte of the same species as the differentiated C1CM cell or cell nucleus, under conditions suitable for the formation of a
20 nuclear transfer (NT) unit;

(ii) activating the resultant nuclear transfer unit;
(iii) culturing said activated nuclear transfer unit
until greater than the 2-cell developmental stage; and
(iv) transferring said cultured NT unit to a host
5 mammal such that the NT unit develops into a fetus.

70. The method according to claim 69, which further
comprises developing the fetus to an offspring.

71. A fetus obtained according to the method of
claim 69.

10 72. An offspring obtained according to the method of
claim 70.

73. An organ for use as an organ xenograft, which is
obtained from the offspring according to claim 18.

74. An organ for use as an organ xenograft, which is
15 obtained from the offspring according to claim 21.

75. An organ for use as an organ xenograft, which is
obtained from the offspring according to claim 26.

76. An organ for use as an organ xenograft, which is
obtained from the offspring according to claim 68.

77. An organ for use as an organ xenograft, which is obtained from the offspring according to claim 72.

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ABSTRACT OF THE DISCLOSURE

An improved method of nuclear transfer involving the transplantation of donor differentiated cell nuclei into enucleated oocytes of the same species as the donor cell is provided. The resultant nuclear transfer units are useful for multiplication of genotypes and transgenic genotypes by the production of fetuses and offspring, and for production of isogenic CICM cells, including human isogenic embryonic or stem cells. Production of genetically engineered or transgenic mammalian embryos, fetuses and offspring is facilitated by the present method since the differentiated cell source of the donor nuclei can be genetically modified and clonally propagated.

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.

000270-007

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND ~~SOLE~~ INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

CLONING USING DONOR NUCLEI FROM DIFFERENTIATED FETAL AND ADULT CELLS

the specification of which

(check one)

☐

is attached hereto;

☒

was filed on January 10, 1997 as

Application No. 08/781,752

and was amended on _____;
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

COMBINED DECLARATION AND POWER OF ATTORNEY

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000270-007

COUNTRY/INTERNATIONAL

APPLICATION NUMBER

DATE OF FILING
(day, month, year)

PRIORITY
CLAIMED

YES_ NO_

YES_ NO_

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Application or Patent No.: 08/781,752

Filed or Issued: January 10, 1997

For: CLONING USING DONOR NUCLEI FROM DIFFERENTIATED FETAL AND ADULT CELLS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION University of Massachusetts, as represented by its Amherst Campus

ADDRESS OF ORGANIZATION Office of Vice Chancellor for Research at Amherst

Amherst, MA 01002

TYPE OF ORGANIZATION

- ☒ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))
- ☐ Nonprofit scientific or educational under statute of state of The United States of America
(Name of state _____)
(Citation of statute _____)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of The United States of America if located in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, with regard to the invention entitled CLONING USING DONOR NUCLEI FROM DIFFERENTIATED FETAL AND ADULT CELLS by inventor(s) Steven L. STICE, Jose CIBELLI, James ROBL, Paul GOLUEKE, F. Abel Ponce de LEON and D. Joseph JERRY described in

- ☐ the specification filed herewith
- ☒ Application No. 08/781,752, filed January 10, 1997
- ☐ Patent No. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an individual inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

FULL NAME _____

ADDRESS _____
☐ individual ☐ small business concern ☐ nonprofit organization

FULL NAME _____

ADDRESS _____
☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Dr. Frederick Byron

TITLE IN ORGANIZATION Vice Chancellor for Research

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